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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VINICIO VALVERDE,

Petitioner,

-v-

ROBERT ERCOLE, Superintendent, Green Haven
Correctional Facility,

Respondent.

06 CV 5042 (KMK)

ORDER ADOPTING REPORT AND
RECOMMENDATION


KENNETH M. KARAS, U.S.D.J.:

On May 7, 2010, Magistrate Judge Davison entered a Report & Recommendation ("R&R") recommending that this Court dismiss Petitioner's Habeas Corpus Petition. (R&R (Dkt. No. 19) 12.) Magistrate Judge Davison also recommended that the Court not issue a certificate of appealability, and that the Court certify pursuant to 28 U.S.C. § 1915(a)(3) that an appeal would not be taken in good faith. (*Id.*) Finally, Magistrate Judge Davison provided notice that objections to his conclusions were due within seventeen days, and that failure to object would constitute a waiver of Petitioner's right to appeal. (*Id.* at 13.) No objections have been filed.

When no objections are filed, the Court reviews an R&R on a dispositive motion for clear error. *See Eisenberg v. New England Motor Freight, Inc.*, 564 F. Supp. 2d 224, 226 (S.D.N.Y. 2008); *Donahue v. Global Home Loans & Fin., Inc.*, No. 05-CV-8362, 2007 WL 831816, at *1 (S.D.N.Y. Mar. 15, 2007). The Court has reviewed the R&R and finds no error, clear or otherwise. The Court therefore adopts the R&R in its entirety. The Court also adopts Magistrate Judge Davison's recommendation that a certificate of appealability should not issue as an appeal would not be taken in good faith. However, the Court notes that the failure to object waives Petitioner's right to appeal.

Therefore, it is ORDERED that the Petition is DISMISSED. The Clerk of the Court is respectfully requested to close this case.

DATED: White Plains, New York
July 16, 2010


KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE